IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.5054 OF 2005

Balu Mahadeo Kamble and Anr. ...Applicants

vs.

The State of Maharashtra ...Respondent

Mr.K.S.Patil & Mr.Deepak Girme for the Applicants
Mr.A.S.Gadkari,A.P.P. for State

CORAM: A.S.OKA,J.
DATE : AUGUST 25,2005

P.C.:

1. Heard learned Advocate for the Applicants and the learned A.P.P. for State. The learned Advocate for the applicants submitted that the first informant has not disclosed the name of any accused save and except the Applicant No.1 and only by way of supplementary statement, the name of the Applicant No.2 has been disclosed. He submitted that there is no material on record to show that the accused killed Harihar who was merely sleeping outside the house of the first informant. He submitted that on the face of the version of the witnesses which is inconsistent, after completion of the investigation, the Applicant deserves to be enlarged on bail.

2. The learned A.P.P. has pointed out the statements of various witnesses and material on record against the Applicant.

3. Almost all the witnesses have named the Applicant No.1. In so far as the Applicant No.2 is concerned, the first informant has not named him in the F.I.R. However, the witness Shantabai in her supplementary statement has disclosed the name of the second Applicant. The witness Poonam has ascribed a clear role to both the Applicants.

4. P.M.notes disclose that there are large number of injuries on the person of the deceased. There are at least three stab injuries. The cause of death as mentioned in the P.M.Notes is due to shock on account of stab injuries with multiple blunt and incised injuries. Considering the evidence of recovery of blood stained clothes and weapons at the instance of the Applicant No.1 and the statements of the witnesses, it is obvious that there is material to show complicity of the Applicant No.1. In so far as the Applicant No.2 is concerned, the witness Poonam has ascribed a clear role to him. Considering the large number of injuries on the person of the deceased and material on record, this is not a case where the Applicants can be enlarged on bail.

5. Application is rejected. Liberty to the Applicants to apply for expeditious disposal of the trial.

JUDGE